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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,489	11/24/2003	Alan L. Billings	930034-2040	4548

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NEW YORK, NY 10151

EXAMINER
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CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,489	<b>Applicant(s)</b> BILLINGS, ALAN L.	
	<b>Examiner</b> Marcus Charles	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/18/04 &amp; 02/18/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first action relating to serial application number 10/720,489 filed 11/24/2004.

Claims 1-7 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2 and 4, it is not clear as to what structure is being claimed. It appears that it is only the merits of the invention that are being claimed. The limitations of claims 4 and 6 do not carry any patentable weight.

In claim 3, "the metal spiral line base" lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3682

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Borel (4,649,074). Borel discloses a belt comprising an endless spiral link base (42/44), which defines a top surface and a bottom surface, each spiral defines an internal space and pintles extending (46) through the internal spaces adjacent the spiral.

In claim 7, Borel clearly discloses the fibers (3) disposed in the spiral.

6. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin (US 2004,0033856). Levin discloses a belt (5) comprising an endless spiral link base (2/4), which defines a top surface and a bottom surface; each spiral defines an internal space (6/8) and pintles (3) extending through the internal spaces adjacent the spiral.

In claim 7, Levin clearly discloses the fibers (not labeled) inherently disposed in the spiral.

In claims 4 and 6, Levin clearly disclose the spiral is made from metal (page, 1, para. [0018].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borel in view of JP (10-29252). Borel discloses the belt is used in a corrugated machine and is capable of withstanding high temperatures, deflect and has good frictional

characteristics. Borel fails to disclose the belt is used as a singlefacer and doublefacer belt. JP (10-292252) discloses an endless belt being used with a singlefacer and doublefacer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the belt of JP (10-29252) with the belt of Borel on the singlefacer and doublefacer in order to reduce stoppage due to maintenance due to increase temperatures, reduce belt failure due to friction.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Bascom (3,263,799). Levin does not disclose the metal is stainless steel. Bascom et al. disclose a belt having spirals (2), which are made from stainless steel (see col. 1, lines 54-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the metal spiral of Levin so that it is stainless steel in order prevent contamination due to increase temperatures, adverse atmospheric elements and decay due to moisture.


### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crook et al. (6,212,739), WO 98/37272) to Holden, WO 03/054416 to Corriveau et al., discloses a belt with spiral base and pintles. Daringer et al. (5,590,755). JP (06-80227), Bascom et al. (3,263,799) disclose a belt having a metal base. JP (10-29252) discloses a singlefacer/doublefacer belt.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
August 03, 2006

12.